

## Maine Revised Statutes

### Title 38: WATERS AND NAVIGATION

#### Chapter 13-B: UNCONTROLLED HAZARDOUS SUBSTANCE SITES

##### §1367-B. LIMITED EXEMPTION FROM LIABILITY FOR STATE OR LOCAL GOVERNMENTAL ENTITIES

**1. Limited exemption from liability.** Liability under section 1367 does not apply to the State or any political subdivision that acquired ownership or control of an uncontrolled hazardous substance site through tax delinquency proceedings pursuant to Title 36, or through any similar statutorily created procedure for the collection of governmental taxes, assessments, expenses or charges, or involuntarily through abandonment, or in circumstances in which the State or political subdivision involuntarily acquired ownership or control by virtue of its function as a sovereign. The exemption from liability provided under this subsection does not apply to the State or any political subdivision that has caused, contributed to or exacerbated a release or threatened release of a hazardous substance on or from the uncontrolled site.

[ 1991, c. 811, §4 (NEW); 1991, c. 811, §7 (AFF) .]

**2. Reimbursement for department expenses.** Notwithstanding the exemption from liability provided in subsection 1, the State or any political subdivision that acquires or has acquired ownership of property that encompasses an uncontrolled hazardous substance site pursuant to any of the proceedings referred to in subsection 1 is liable for any costs incurred by the department pursuant to this chapter during the period in which the State or political subdivision had ownership of the property, up to the amount of the proceeds from the sale or disposition of the property minus the out-of-pocket costs of the sale or disposition.

[ 1991, c. 811, §4 (NEW); 1991, c. 811, §7 (AFF) .]

##### SECTION HISTORY

1991, c. 811, §4 (NEW). 1991, c. 811, §7 (AFF).

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